

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 1, 8 and 12-17 remain in the application. Claim 8 has been amended. Amended claim 8 inserts the phrase "an absorbent body" that inadvertently was omitted from claim 8 in the Amendment filed on June 12, 2006. The phrase "an absorbent body" is not underlined in the attached version of amended claim 8 because the inadvertently omitted phrase was not technically deleted in the earlier Amendment. The Examiner may contact applicants attorney at the number below if she would prefer to have this inadvertent omission handled differently in this Amendment.

The minor spelling mistakes in claims 14 and 17 also have been corrected. The Examiner's careful proofreading is appreciated.

It is believed that these minor amendments do not raise new issues that would require further consideration or searching by the Examiner. Accordingly, entry of these minor amendments after final rejection is believed to be proper and is requested.

The claims existing prior to this Amendment were rejected under 35 USC 103(a) as being obvious over U.S. Patent No. 3,455,303 to Wilson. Reconsideration is requested.

Previously presented claim 1 is directed to a disposable wearing article comprising an absorbent body having opposite front and rear ends and opposite first and second sides extending between the ends. Claim 1 then defines "a pair of right and left primary elastic members attached in their stretched state to a back portion of said absorbent body" (emphasis added). Each of the primary elastic members then is defined as having an approximately linear portion in an approximately laterally central zone of said

back portion inwardly of the opposite first and second sides. The attachment of the right and left primary elastic members in their stretched state to the back portion of the absorbent body allows "a central zone of a skin-side surface of said absorbent body between said right and left primary elastic members to be formed as a raised portion by an action of a contractile force in said approximately linear portion" (emphasis added). Each of the primary elastic members is defined further as having "at least one divergent portion extending from the approximately linear portion towards at least one of the front and rear ends of the absorbent body and outwardly to define at least one divergent pattern.

Claim 8, as currently presented, defines a similar disposable wearing article, but further defines a cover sheet. The right and left primary elastic members are defined in exactly the same disposition as in claim 1, but are defined with respect to the cover sheet. Thus, claim 8 is directed, for example, to the embodiments of FIGS. 12-15C. The cover sheet 16, for example, may be a breathable non-woven, which is distinct from the absorbent body 1 described and illustrated with respect to the first embodiment.

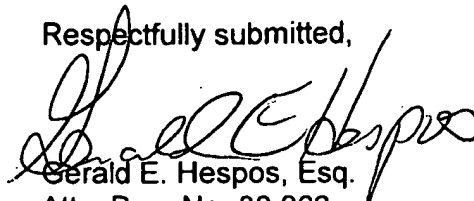
In contrast to the invention defined by claims 1, 8 and 12-17, Wilson relates to a pad 10 that has a substantially oval shape. A total of four slits are formed in the Wilson pad 10. All of the slits are linear and are aligned normal to the long axis of the oval pad 10. The slits are disposed in pairs on opposite sides of the longitudinal axis of the pad 10. The Wilson device further includes "a pair of relatively narrow elastic strips 9 threaded through" the slits in the pad 10. Wilson appears to use some form of Velcro-type attachments at ends of the strips 9 remote from the pad so that the ends of the strips 9 can be attached together to form continuous loops.

Nothing in Wilson suggests that the elastic strips 9 of Wilson are "attached in their stretched state to a back portion of said absorbent body". Rather, the strips 9, 9 merely are "threaded through" the small slits formed in the pad. Wilson does not mention any strip-to-pad attachment, but rather emphasizes the importance of adjustability to achieve comfort. It would appear, therefore, that the Wilson strips "threaded through" the slits can be adjusted in accordance with the preferences of the wearer. Wilson also does not suggest that "a central zone of a skin-side surface of said absorbent body between said right and left elastic members" is "formed as a raised portion by an action of contractile force in said approximately linear portion" due to the attachment of the elastic members in their stretched state. The raised portion defined by the claims of the subject application clearly is defined as being formed by an action of a "contractile force" in the primary elastic members that are attached in their "stretched state". The threading of the strips 9, 9 through the slits in the pad 10 cannot transfer contractile forces of the strips 9, 9 to the pad 10 to form a raised portion in the pad 10 as required by the claims. The non-planar configuration of the pad 10 shown in FIG. 2 of Wilson clearly is attributable to the contour of the wearer's body, the disposition of the pad 10 between the wearer's legs and the looped engagement of the strips with the wearer's body. Nothing in Wilson suggests a raised portion by an action of a contractile force attributable to the elastic members being attached in their stretched state, as claimed.

In view of the preceding amendments and remarks, it is submitted that the claims are neither taught nor suggested by Wilson. Accordingly, allowance of the claims is solicited. The Examiner is urged to contact applicants attorney at the number below to

expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. Hespos", written over the typed name.

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